



CITY OF WINDSOR MINUTES 09/26/2022

City Council Meeting

Date: Monday, September 26, 2022

Time: 4:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Councillor Gill

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

Clerk's Note: Several members of Administration and the public participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

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1. ORDER OF BUSINESS

2. CALL TO ORDER

Following the playing of the Canadian National Anthem and reading of the Land Acknowledgement, the Mayor calls the meeting to order at 4:01 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held September 6, 2022

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

That the minutes of the meeting of Council held September 6, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 270/2022

5. NOTICE OF PROCLAMATIONS

Proclamations

“British Home Children's Day” – September 28, 2022

“United Nations International Day for Elder Persons and Canada Seniors Day” – October 1, 2022

“Fire Prevention Week” – October 9 to October 15, 2022

Flag Raising Ceremony

“Franco Ontarian Day” – September 22 to September 30, 2022

“United Nations International Day for Elder Persons and Canada Seniors Day” –September 29, 2022 to October 2, 2022

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Illuminations

“Franco Ontarian Day” – September 24 to September 25, 2022

“British Home Children's Day” – September 28, 2022

“National Day for Truth and Reconciliation” – September 26 to October 2, 2022

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Sleiman

Seconded by: Councillor Bortolin

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

(a) communication items;

(b) consent agenda;

(c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;

(d) hearing presentations and delegations;

(e) consideration of business items;

(f) consideration of Committee reports:

(g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and

(h) consideration of by-laws 134-2022 through 141-2022 (inclusive).

Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence for September 26, 2022

Moved by: Councillor Costante

Seconded by: Councillor Francis

Decision Number: CR406/2022

That the following Communication Items 7.1.1 through 7.1.5 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1.	<i>Cannabis Act</i> Legislative Review Secretariat – Health Canada	Notice of the launch of the legislative review of the <i>Cannabis Act</i> City Planner Chief Building Official Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation CAO's Office GP2022 Note & File

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No.	Sender	Subject
7.1.2.	Ministry of Economic Development, Job Creation and Trade	<p>Letter confirming that the Minister of Municipal Affairs and Housing made a Minister's Zoning Order (MZO) to facilitate the development of the NextStar Energy Inc. Electric Vehicle Battery Manufacturing Facility in Windsor</p> <p style="text-align: right;">City Planner Deputy City Solicitor – Legal & Real Estate Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation GP2022 Note & File</p>
7.1.3.	Ontario Land Tribunal	<p>Notice of Case Management Conference by video conference on October 21, 2022 at 10:00 a.m. and direction regarding OLT-22-003819; <i>Buttice v. Windsor (City)</i>; 1913, 1925 & 1949 Devonshire Court.</p> <p style="text-align: right;">City Planner Deputy City Solicitor – Legal & Real Estate Development Applications Clerk Commissioner, Legal & Legislative Services GP2022 Note & File</p>
7.1.4.	Town of Tecumseh	<p>Town of Tecumseh Notice of Re-Initiated Tecumseh Hamlet Secondary Plan</p> <p style="text-align: right;">City Planner Deputy City Solicitor – Legal & Real Estate Z2022 Note & File</p>

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No.	Sender	Subject
7.1.5.	Manager of Urban Design	<p>Recent Site Plan Control (SPC) applications:</p> <ul style="list-style-type: none">• Zeshan Choudhry, 1233 University W, alteration of building front face / exterior• Olivia Construction Homes Inc. (Ashraf Botros), 1920 Grove, 2 new, 43 unit condominium residential dwellings development• LPG Developments Inc (Irfan Lakhanpal), 0 Montreuil, commercial centre building - stand alone drive thru restaurant• Archon Architects Incorporated (Settimo Vilardi), 830 Ouellette, convert the existing lodging house to apartments• John Bortolotti, 1595 Lincoln, new interior storage facility• Rosati Group (David Mady), 3200 Deziel, construction of a 9,655 square foot office building• Sfera Architects (John Bortolotti), 2109 & 2139 Ottawa, new Motor City Community Credit Union main branch• Homes By Artisan (Mamun Chowdury), 101 Erie E, redevelop the medical/pharmacy plaza with modern amenities• Yogesh Kumar Contract, 2275 Huron Church, new motel• Mohammad Hanash, 1948-1950 Ottawa, second floor addition and change of use• Passa Associates Inc., Architects (Joseph Passa), 785 Goyeau, two, 21-storey mixed use towers - commercial and residential units• Rosati Construction Inc. (Darren Ion), 3475 Wheelton, proposed industrial project on airport land <p style="text-align: right;">Z2022 Note & File</p>

Carried.

Report Number: CMC 14/2022

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7.2. Rostered Consultants Used by Public Works, Parks and Facilities - January 1 2022 to June 30 2022 - City Wide

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR407/2022

That the report of the Purchasing Manager dated July 13, 2022 entitled "Rostered Consultants Used by Public Works, Parks and Facilities - January 1 2022 to June 30 2022 - City Wide" **BE RECEIVED** by Council for information in compliance with section 163 of Bylaw 93-2012 (the "Purchasing Bylaw").

Carried.

Report Number: CM 9/2022
Clerk's File: ACO2022

8. CONSENT AGENDA

8.1. Confirm and Ratify Report -regarding Expenditure to commemorate the passing of Queen Elizabeth II - City Wide

Moved by: Councillor Gignac
Seconded by: Councillor Gill

Decision Number: CR408/2022

That the results of the email poll authorized by Mayor Drew Dilkens and the Acting Chief Administrative Officer on Friday September 9, 2022 approving the following **BE CONFIRMED AND RATIFIED**:

WHEREAS it is appropriate to commemorate the passing of Her Majesty, Queen Elizabeth II through a series of local events, to give a forum for Windsor residents to celebrate her life and contributions;

THEREFORE BE IT RESOLVED BY Windsor City Council that an amount of up to \$100,000 in funding **BE APPROVED**; and, that the amount **BE FUNDED** from the City's Budget Stabilization Reserve Fund (BSR) to cover all related costs associated with these events.

Carried.

Clerk's Note: Councillor Holt voted nay on the actual motion that was considered via email poll.

Report Number: C 165/2022
Clerk's File: APR2022

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8.2. Flag Raising, Building Illumination and Proclamations Policy Update - City Wide

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR409/2022

That Council **APPROVE** the updates to the Flag, Building Illumination and Proclamation Policy as presented in Appendix A attached to the report of the Corporate Policy Coordinator dated September 14, 2022.

Carried.

Report Number: C 164/2022

Clerk's File: ACO2022

8.3. 2022 Inaugural Meeting of Council (City Wide)

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR410/2022

That the Inaugural Meeting of the 2022-2026 City Council **BE HELD** on Tuesday November 15, 2022 at 7:00 o'clock p.m. in the Pentastar Theatre at the Capitol Theatre for Members of City Council, invited family guests and the general public; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the required Lease Agreement with the Capitol Theatre satisfactory in form to the City Solicitor, in technical content to the Deputy City Clerk and in financial content to the City Treasurer.

Carried.

Report Number: C 163/2022

Clerk's File: ACO/12018

8.4. RFP 110-22 Office Supplies "City Wide"

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR411/2022

That in accordance with the terms of RFP 110-22, Council **AWARD** the contract for the provision of office supplies to Monarch Office Supplies Ltd. for a two (2) year term with an option to extend the contract for a further three (3) additional terms of two (2) years each by mutual agreement; and;

That the Purchasing Manager **BE AUTHORIZED** to issue Contract Purchase Orders to Monarch Office Supplies Ltd. for the provision of office supplies, satisfactory in financial content to City Treasurer, and in technical content to the Purchasing Manager.

Carried.

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Report Number: C 158/2022

Clerk's File: AE2022

8.5. Rezoning - Bassim Al Hamidawy - 953 & 955 Tecumseh Road West - Z-025/22 ZNG/6795 - Ward 10

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR412/2022 DHSC 420

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 32 to 34, Registered Plan 730 (known municipally as 953 & 955 Tecumseh Road West; Roll No.: 040-440-17100, 040-440-17200), situated on the west side of Tecumseh Road West, south of Crawford Avenue, by adding a site specific exception to Section 20(1) as follows:

451. WEST SIDE OF TECUMSEH ROAD WEST, SOUTH OF CRAWFORD AVENUE

For the lands comprising of Lots 32 to 34, Registered Plan 730, a *motor vehicle dealership* shall be an additional permitted use.

[ZDM 4, 7; ZNG/6795]

Carried.

Report Number: SCM 255/2022 & S 96/2022

Clerk's File: Z/14279

8.6. Zoning By-Law Amendment – Matt Zhao - 521,523, & 525 Sandison Street - Z 009/22 [ZNG-6673] - Ward 9

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR413/2022 DHSC 421

- I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Pt Block A, Plan 1259; Part 1 & 2, Plan 12R-26132 (known municipally as 521, 523, and 525 Sandison Street), from Residential District 1.1 (RD1.1) to Residential District 3.1 (RD3.1) with a site specific exception to Section 20(1) for a reduced side yard setback of 3.0m.
- II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following into an approved site plan and executed and registered site plan agreement:
 - Shifting the entire building and proposed parking lot 3 metres to the east in order to provide an additional 3 metres of separation from the parking area and the westerly properties.
- III. That the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

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- Enhancing the landscaping along the eastern property line to help screen and mitigate noise;
- Providing a screening fence and landscaping along the perimeter of the west and south interior property lines;
- Removing the external refuse storage and storing the refuse internally.

[ZDM9; ZNG/6673]

Carried.

Report Number: SCM 256/2022, S 104/2022 & AI 13/2022

Clerk's File: Z/14345

8.9. Closure of the north/south alley between Totten St and Quebec Street, east of California Ave and west of Askin Ave; together with the Declaration of the north/south 0.3 metre reserve making up the east limit of the said alley as Surplus – Ward 10

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR416/2022 DHSC 424

- I. That the 3.96 metre wide north/south alley located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on Drawing No. CC-1797 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the 3.96 metre wide north/south alley located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on Drawing No. CC-1797 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - EnWin to accommodate existing down guy wires and anchors in the portion of the west half of the said alley abutting the property known municipally as 1700 California Avenue (legally described as Lots 55 & 56, Plan 629), in accordance with the Guy and Anchor diagram submitted with their comments *attached* hereto as Appendix "C";
 - Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner (i.e. accessory buildings, features, fences, hedges and/or structures).
- III. That Conveyance Cost **BE SET** as follows:

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- a. For alley conveyed to abutting lands zoned RD1.1: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1797, *attached* hereto as Appendix "A".
- V. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. That upon the registration of the necessary by-laws, the following vacant parcel of land **BE DECLARED** surplus:
- a. 0.3 metre wide north/south reserve located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on the excerpt from Reference Plan 12R-14496 *attached* hereto as Appendix "F".
- i. Legal Description: Reserve Plan 629 Sandwich West between Totten Street & Quebec Street
- ii. Lot Area: 83.61 m²
- VII. That the 0.3 metre wide north/south reserve located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on the excerpt from Reference Plan 12R-14496 *attached* hereto as Appendix "F", **BE CONVEYED** to the abutting property owners to the east and as necessary, in a manner deemed appropriate by the City Planner.
- VIII. That Conveyance Cost **BE SET** as follows:
- a. For reserve conveyed to abutting lands zoned RD1.1: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IX. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- X. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: SCM 259/2022 & S 94/2022

Clerk's File: SAA2022

8.11. Closure of the east/west alley between Ford Boulevard and 5355 Wyandotte Street East, north of 830 Ford Boulevard and south of 5335 Wyandotte Street East, Ward 6

Moved by: Councillor Gignac

Seconded by: Councillor Gill

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Decision Number: CR418/2022 DHSC 426

- I. That the 3.66 metre wide east/west alley located between Ford Boulevard and the property known municipally as 5355 Wyandotte Street East (legally described as Essex Condo Plan 55), and shown on Drawing No. CC-1798 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
 - II. That the 3.66 metre wide east/west alley located between Ford Boulevard and the property known municipally as 5355 Wyandotte Street East (legally described as Essex Condo Plan 55), and shown on Drawing No. CC-1798 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing facilities; and
 - ii. MNSi for aerial infrastructure.
 - III. That Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - b. For alley conveyed to abutting lands zoned RD3.4: \$22.00 per square foot without easements and \$11.00 per square foot with easements.
 - IV. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1798, *attached* hereto as Appendix "A".
 - V. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
 - VI. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: SCM 261/2022 & S 98/2022
Clerk's File: SAA2022

8.12. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by NuFusion & Associates on behalf of 2830065 Ontario Ltd. For 1460 Lauzon Road (Ward 6)

Moved by: Councillor Gignac
Seconded by: Councillor Gill

Decision Number: CR419/2022 DHSC 427

- I. That the request made by NuFusion & Associates on behalf of 2830065 Ontario Ltd. to

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participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 1460 Lauzon Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.

- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$19,750 based upon the completion and submission of a Phase II Environmental Site Assessment completed in a form acceptable to the City Planner and City Solicitor.
- III. That the grant funds in the amount of \$19,750 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the work is complete.
- IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 262/2022 & S 102/2022
Clerk's File: SPL2022

8.13. Minutes of the Property Standards Committee of its meeting held June 14, 2022

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR420/2022 DHSC 428

That the minutes of the Property Standards Committee of its meeting held June 14, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 263/2022 & SCM 208/2022
Clerk's File: MB2022

8.14. Minutes of the meeting of the International Relations Committee held June 23, 2022

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR421/2022 DHSC 429

That the minutes of the International Relations Committee of its meeting held June 23, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 264/2022 & SCM 245/2022
Clerk's File: MB2022

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11.1. Purchasing Bylaw – Periodic Review and Amendment "CITY WIDE"

Moved by: Councillor Gignac

Seconded by: Councillor Gill

Decision Number: CR423/2022

I. That the report of the Purchasing Manager dated September 26, 2022 entitled "Purchasing Bylaw – Periodic Review and Amendment" **BE RECEIVED** in satisfaction of the obligation imposed by section 164 of Bylaw 93-2012 (the "Bylaw") to conduct a review prior to the close of every Council term; and,

I. That Bylaw 139-2022 amending the Purchasing Bylaw **BE CONSIDERED** and, if advisable, **BE PASSED**, to effect the changes to the Purchasing Bylaw described in this report.

Carried.

Report Number: C 159/2022

Clerk's File: AB2022

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

10. PRESENTATIONS AND DELEGATIONS

10.1. Power Advisory Energy Report - Options for the City of Windsor - City Wide

Travis Lusney, Director, Power Systems, and Sarah Simmons, Director, Utilities & Innovation, Power Advisory LLC

Travis Lusney, Director, Power Systems, and Sarah Simmons, Director, Utilities & Innovation, Power Advisory LLC, appear before Council to make a presentation entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and provide a summary of their report including details outlining issues with supply and demand options the City has; resource acquisition; growth is expected in the next two decades; The Province is making investments and there will be retirements; there is a commitment to clean energy; the Independent Electricity System Operator (IESO) are coming up for renewal and will impact both Provincial and regional needs; Demand projection changes are significant; immediate need to build and invest in new electricity supply; there will be demand as growth in our area continues particularly in the agricultural sectors; advanced manufacturing; natural growth electrification of transportation is a significant investment in Windsor/Essex and significant planning is required; There are bulk regional number of transmission expansions from Chatham to Lakeshore as well as four other lines going through permitting and regulatory phases currently; important that the Independent electricity system operator (Hydro One) has a long term plan and how it adapts is very important; Non-transmission

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supply options, including imports from Michigan; gas fired generation; Battery Storage; Renewable Generation co-located with Battery Storage; demand response and Energy Efficiency; IESO's supply procurement plans; multiple streams for various supply options including capacity auctions; reacquisition of existing supply; acquisition of new supply; bilateral contract negotiations; customer programs; role of municipalities is critical in procurement and development of new generation and other resources; Municipal Council support resolutions as part of IESO's RFP process will be required, this will improve positioning of these proposed projects as well as planning act and permitting approvals will be required; IESO's continue to consult with municipalities so that input and feedback is received; and conclude by suggesting that the City prepares for requests for Municipal Support Resolutions; an increase in permit applications; engage early with IESO, Hydro One, and local Distribution companies (Enwin) as Economic Development is pursued; participate in regional planning process; leverage municipal lands and properties; strategic government advocacy including continue to advocate with IESO for a streamlined procurement approach and processes; Economic Development in the City of Windsor is dependent on continued availability of electricity supply; Windsor Essex requires coordinated approach to support growth in electricity demand; capacity to connect new demand loads in Windsor-Essex, need to be coordinated with regional development; and continue to monitor IESO procurement processes.

Wilhelm Danek, Sr. Business Development Manager, Capital Power Corporation and Kelly Lail, Vice President, Capital Power Corporation

Wilhelm Danek, Sr. Business Development Manager, Capital Power Corporation and Kelly Lail, Vice President, Capital Power Corporation, appear before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and provide a brief history of Capital Power which is the owner and operator of the East Windsor Cogeneration Centre on Cadillac Street and Riverside Drive; there are viable options at the plant within the existing footprint; requesting that City Council support these initiatives moving forward; Ontario is in need of significant capacity increase; details of the cogeneration site are provided; potential enhancement to the site includes battery energy storage and expanding the existing facility; focus on future needs; initiated a procurement process and will seek Council support for this; and will request to return sometime in November to seek Council support related to specific projects.

Matthew Bitzer, Plant Manager, Capital Power Corporation

Matthew Bitzer, Plant Manager, Capital Power Corporation, appears before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and is available for questions.

Shelley Babin, President & CEO, Atura Power

Shelley Babin, President & CEO, Atura Power, appears before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide"; and provides an overview of Atura Power and their facility at Brighton Beach; including a strong safety and environmental record; strong commitment to climate change; natural gas generation is critical

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to the system as supply and demand need continuous balancing; flexible gas generating stations fill gap as available on demand; IESO Gas Generation Phase out study completed in 2021; conclusions include that gas remains essential to the Ontario supply mix; Atura Power and IESO are negotiating re-contracting of Brighton Beach as they continue to provide low cost reliable gas to the region for the near future.

Geoff Saunders, Plant Manager, Brighton Beach Generating Station

Geoff Saunders, Plant Manager, Brighton Beach Generating Station, appears before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and provides information related to the Brighton Beach Plant including details of the plant, equipment and a brief history; more electricity needed to maintain reliability and growth; Ontario will need about 3,900MW of new generation by the end of the decade to maintain reliability and the Windsor-Essex region may account for up to 1,500MW of that amount; Artura Power is proposing battery energy storage at Brighton Beach; a timeline for the procurement is provided; Ontario's Low-Carbon Hydrogen Strategy and Windsor plans are outlined; community outreach and support for the last eighteen years is highlighted.

Kris Taylor, VP Business Development, ENWIN

Kris Taylor, VP Business Development, ENWIN, appears before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and is available for questions.

James Brown, VP Hydro Operations, ENWIN

James Brown, VP Hydro Operations, ENWIN, appears before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and is available for questions.

Stephen MacKenzie, President & CEO, Invest WindsorEssex

Stephen MacKenzie, President & CEO, Invest WindsorEssex, appears before Council regarding the administrative report entitled "Power Advisory Energy Report – Options for the City of Windsor – City Wide" and is available for questions.

Moved by: Councillor MacKenzie

Seconded by: Councillor Morrison

Decision Number: CR422/2022

- I. That the report of the Commissioner of Economic Development & Innovation and Executive Initiatives Coordinator dated September 9, 2022 entitled "Power Advisory Energy Report - Options for the City of Windsor - City Wide" **BE RECEIVED** for information; and,

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- II. That City Council **SUPPORT IN PRINCIPLE** the five proposed electricity transmission infrastructure projects West of London, as recommended by the Independent Electricity System Operator (IESO), and the measures to ensure their rapid completion announced by the Province of Ontario; and,
 - III. That City Council **ADVOCATE** for the Province of Ontario to pursue energy efficiency and green energy alternatives, while maintaining the existing energy generation initiatives until such time as affordable, sufficient and sustainable alternatives are in place; and further, to help alleviate regional electricity supply constraints prior to the completion of new electricity transmission infrastructure in 2030; and,
 - IV. That City Council **SUPPORT** Independent Electricity System Operator (IESO) efforts to immediately re-contract the Brighton Beach Generating Station to supply power for local job creation and economic expansion in Windsor-Essex; and,
 - V. That City Council **ADVOCATE** for the Province of Ontario to investigate near-term firm electricity imports from the State of Michigan via the Windsor-Detroit Energy Intertie; and,
 - VI. That City Council **SUPPORT IN PRINCIPLE** the City of Windsor as a host for future projects that will enhance the energy supply, subject to approval through the appropriate federal, provincial and Council processes; and,
 - VII. That Administration **BE AUTHORIZED** to participate in, and provide comment to, any public consultations regarding energy supply and development to convey the interests of the Corporation of the City of Windsor; and,
 - VIII. That City Council **REQUEST** that the Board of Directors, Invest WindsorEssex engage their resources, from a regional representation and advocacy perspective, to track efforts and vigorously advocate on behalf of the region for short, medium and long term solutions for adequate and sustainable energy solutions to support economic investments and growth; and,
 - IX. That City Council **DIRECT** Administration to facilitate a presentation by Power Advisory to Essex County Council at their earliest opportunity; and further, pursuant to approval of the Recommendations noted above; and,
 - X. That City Council **REQUEST** that Essex County Council pass a resolution endorsing the Recommendations of Windsor City Council to ensure a consistent approach to this regional issue; and further,
 - XI. That Administration **CONTINUE TO REPORT BACK** regularly on the progress of council-approved initiatives to address energy supply issues in our community.

Carried.

Report Number: C 161/2022

Clerk's File: MD/14028

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8.7. Zoning By-law Amendment - 1069 Shepherd Street East Z-012-22 [ZNG-6732]

Moved by: Councillor Bortolin

Seconded by: Councillor Costante

Decision Number: CR414/2022 DHSC 422

- I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning for Plan 1445 Lot 2 municipally known as 1069 Shepherd Street East, by adding a site-specific exception to Section 20(1) as follows:

452. SOUTH SIDE OF SHEPHERD STREET EAST, WEST OF BENJAMIN AVENUE

For the lands comprising Lot 2, Plan 1445, one *Multiple Dwelling* with a maximum of three *dwelling units* shall be an additional permitted main use and shall be subject to the following additional provisions:

a)	Lot Width – minimum	10.9 m
b)	Lot Area – minimum	400.0 m ²
c)	Lot Coverage – maximum	45.0%
d)	Main Building Height – maximum	10.0 m
e)	Front Yard Depth – minimum	6.0 m
f)	Rear Yard Depth – minimum	7.50 m
g)	Side Yard Width (East) – minimum	1.2 m
h)	Side Yard Width (West) – minimum	0.6 m

- II. That the applicant **PROVIDE** an additional paved parking space as per Bylaw 8600 requirements, subject to Engineering Department's approval prior construction.

[ZDM7; ZNG/6732]

Carried.

Report Number: SCM 257/2022 & S 99/2022

Clerk's File: Z/14433

8.8. Closure of the north/south alley between Guy Street and the east/west alley between Bernard Road and Francois Road - Ward 5

Aaron Kovosi-LeBel, Area Resident

Aaron Kovosi-LeBel, area resident, appears before Council regarding the report entitled "Closure of the north/south alley between Guy Street and the east/west alley between Bernard Road and Francois Road – Ward 5" and is available for questions.

Moved by: Councillor Sleiman

Seconded by: Councillor Gignac

Decision Number: CR415/2022 DHSC 423

- I. That the 4.27 metre wide north/south alley located between Guy Street and the southwest corner of the property known municipally as 1969 Francois Road (legally described as Lot 130, Plan 907), and shown as Part 1 on Drawing No. CC-1755 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

- II. That the 4.27 metre wide north/south alley located between Guy Street and the southwest corner of the property known municipally as 1969 Francois Road (legally described as Lot 130, Plan 907), and shown as Part 1 on Drawing No. CC-1755 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities in accordance with diagrams submitted with EnWin Utilities Ltd. comments *attached* hereto as Appendix "C".;
 - ii. Cogeco Connexion Inc. to accommodate existing infrastructure in accordance with diagrams submitted with EnWin Utilities Ltd. comments *attached* hereto as Appendix "C".;
 - iii. EnWin Utilities Ltd. to accommodate existing overhead 28kV primary hydro distribution, 120/240V, 120/208V and 347/600V secondary hydro distribution, poles, transformers, associated down guys and anchors in accordance with diagrams submitted with comments *attached* hereto as Appendix "C".
 - iv. MNSi to accommodate existing aerial infrastructure in accordance with diagrams submitted with EnWin Utilities Ltd. comments *attached* hereto as Appendix "C".

- III. That Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1755, *attached* hereto as Appendix "A".

- V. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

- VI. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

- VII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

11.4. Hybrid Work Program - City Wide

David Petten, President, CUPE Local 543

David Petten, President, CUPE Local 543, appears before Council regarding the report entitled "Hybrid Work Program" and indicates that the reasoning provided in the report mirrors the concerns of their group; crisis in terms of staffing and potential reasons are highlighted, detailing information related to several departments that have concerns with staffing; information regarding staff retirements and loss of knowledge is provided; due to many factors retirement is happening earlier; survey of members and results are provided; and concludes by encouraging Council to support the Hybrid Work Program and much more needs to be done to address the areas where work from home is not viable at this time; must be competitive to keep the talent working in the Community.

Moved by: Councillor McKenzie
Seconded by: Councillor Bortolin

Decision Number: CR426/2022

That the draft of the Hybrid Work Procedure (Appendix A) and Program (Appendix B) **BE RECEIVED FOR INFORMATION**; and,

That Council **ADOPT** the Hybrid Work Program, to be implemented on a date to be determined by the CAO.

Carried.

Report Number: C 166/2022
Clerk's File: AS2022

8.10. Closure of the north/south alley between 1983 Ellrose Avenue and 4440 Tecumseh Road East; east/west alley between Francois Road and said north/south alley; and east/west alley between said north/south alley and Ellrose Avenue – Ward 5

Moved by: Councillor Sleiman
Seconded by: Councillor Costante

Decision Number: CR417/2022 DHSC 425

- I. That the 3.66 metre wide north/south alley located between the properties known municipally as 1983 Ellrose Avenue (legally described as Lot 756 & Part of Closed Alley, Plan 1050) and 4440 Tecumseh Road East (legally described as Part of Lots 138 to 140, Plan 907; and Part of Lots 758 to 760, Plan 1050), and shown on Drawing No. CC-1788 *attached* hereto as Appendix "A", **BE DENIED** for subsequent closure.

Carried.

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.2. Roxborough Boulevard Development – 1500 Northway Avenue Servicing Projects – Cost Sharing – Ward 10

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: CR424/2022

- I. That Council **APPROVE** payment to South Windsor Development Company Limited for costs to service privately owned lands municipally known as 2405 & 2410 Roxborough Blvd as part of the Roxborough Development, of up to \$62,678.78 (inclusive of HST), to be funded from Project ID #7035119 – New Infrastructure Development. These costs are to be recovered from the Roxborough Boulevard benefiting properties; and,
- II. That Council **APPROVE** payment to Olivia Construction Homes Inc. for costs to service privately owned lands included as part of the 1500 Northway Avenue Service Extension, of up to \$154,481.48 (inclusive of HST), to be funded from Project ID #7035119 – New Infrastructure Development. A portion of these costs are to be recovered from the Northway Avenue benefiting properties; and,
- III. That Administration **REPORT BACK** to Council on proposed options to collect costs from the benefiting properties related to servicing charges for municipal services (mainline sewers and private drain connections) that would offer options for payment terms similar to local improvement payments.

Carried.

Report Number: C 157/2022
Clerk's File: SW2022

11.3. Proposed expropriation of lands for the Riverside Drive Vista Project Phase 2A, Plan C, Legal File EXP 11487-Ward 6

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR425/2022

That the City Council of the City of Windsor acting as an approving authority pursuant to the *Expropriations Act* hereby resolves **TO EXPROPRIATE** the lands described in Appendix "A" (excepting there from Items 20 and 21) hereto and **AUTHORIZES** the CAO and the City Clerk to

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execute the necessary Expropriation Plan and register the same on title, as well as the Certificate of Approval and all other necessary documents to put the expropriation into effect and pay the amounts of the appraised value pursuant to section 25 of the *Expropriations Act*.

Carried.

Report Number: C 153/2022

Clerk's File: SW/8513

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

Decision Number: CR427/2022

That the report of the In Camera meeting held September 26, 2022 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2022

12.2. Report of the Special In-Camera meeting held September 6, 2022

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

Decision Number: CR428/2022

That the report of the In Camera meeting held September 6, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 268/2022

Clerk's File: ACO2022

12.3. Report of the Striking Committee of its meeting held September 6, 2022

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

Decision Number: CR429/2022

That the report of the Striking Committee of its meeting held September 6, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 269/2022

Clerk's File: ACO2022

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13. BY-LAWS (First and Second Reading)

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

That the following By-laws No. 134-2022 through 141-2022 (inclusive) be introduced and read a first and second time:

134-2022 A BY-LAW TO FURTHER AMEND BY-LAW 188-2000, BEING A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR, authorized by Section 27.1(l) of Council Procedure By-law 98-2011, adopted June 7, 2011.

135-2022 A BY-LAW TO AMEND BY-LAW 12028 ADOPTED NOVEMBER 21, 1994, BEING A BY-LAW TO CLOSE AND STOP UP AND CONVEY PART OF ROBIN STREET FROM ASKIN WESTERLY, authorized by CAO 192/2022, approved August 23, 2022.

136-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", authorized by CR 317/2022, adopted July 25, 2022.

137-2022 A BY-LAW TO ASSUME JABER COURT BEING STREETS SHOWN ON PLAN OF SUBDIVISION 12M-499 KNOWN AS JABER COURT, IN THE CITY OF WINDSOR, authorized by M98-2012, adopted February 21, 2012.

138-2022 A BY-LAW TO ASSUME COSENZA STREET BEING STREETS SHOWN ON PLAN OF SUBDIVISION 12M-636 KNOWN AS COSENZA STREET, IN THE CITY OF WINDSOR, authorized by M98-2012, adopted February 21, 2012.

139-2022 A BYLAW TO AMEND BY-LAW 93-2012 (the "Purchasing Bylaw"), (See Item 11.1).

140-2022 A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN PLAN 948, Plan 1275, Plan 1335 and Plan 1014 IN THE CITY OF WINDSOR, authorized by Bylaw-139-2013, adopted August 26, 2013.

141-2022 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 26th DAY OF SEPTEMBER, 2022.

Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Costante
Seconded by: Councillor Francis

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That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) Communication Items (as presented)
- 2) Consent Agenda (as amended)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (as amended)
- 5) Committee Reports as presented
- 6) By-laws given first and second readings as presented

Carried.

15. NOTICES OF MOTION

Moved by: Councillor Kaschak

Seconded by: Councillor Morrison

Decision Number: CR430/2022

That the motion presented by Councillor Holt and seconded by Councillor Bortolin at the September 26, 2022 City Council meeting indicating:

WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

THEREFORE, this Council of the City of Windsor, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the City of Windsor;
2. The Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrators Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and,
3. If the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing;

And further, that Council direct the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Windsor and Essex County's MPPs, the Association of Municipalities of Ontario, and other Municipalities in Ontario.

BE REFERRED back to Administration to provide a report to Council within this calendar year.
Carried.

Aye votes: Councillors Sleiman, Gignac, Gill, Kaschak, Morrison & Mayor Dilkens.

Nay votes: Councillors Holt, Costante, Francis, McKenzie & Bortolin.

Abstain: None.

Absent: None.

Clerk's File: MMA/14375

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Gignac

Seconded by: Councillor Gill

That the By-laws No. 134-2022 through 141-2022 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

17. PETITIONS

Moved by: Councillor Holt

Seconded by: Councillor Kaschak

Decision Number: CR431/2022

That the petition presented by Councillor Holt on behalf of the tenants of 680 Aylmer Avenue/Glengarry Non Profit Housing requesting assistance with security and staffing issues **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the Commissioner, Human & Health Services for the purpose of an examination of the requested works or undertakings.

Carried.

Clerk's File: SS2022

18. QUESTION PERIOD

18.1. CQ 19-2022

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

Decision Number: CR432/2022

That the following Council Question by Councillor McKenzie **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ 19-2022:

Assigned to Commissioner, Infrastructure Services

Asks that Administration undertake a review of the use of artificial turf on the public right-of-way with a view to assess the impacts as it relates to climate change and bio diversity and to assess the on-going use of the material in terms of all potentially affected departments at the City of Windsor.

Carried.

Clerk's File: ACOQ2022 & APM2022

18.2. CQ 20-2022

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

Decision Number: CR433/2022

That the following Council Question by Councillor Gignac **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

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CQ 20-2022:

Assigned to Commissioner, Legal & Legislative Services

Asks that Administration provide a report to Council as soon as possible on how best to move forward in acquiring the former Abars property.

Carried.

Clerk's File: ACOQ2022 & APM2022

21. ADJOURNMENT

Moved by: Councillor Sleiman

Seconded by: Councillor Bortolin

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Carried.

Accordingly, the meeting is adjourned at 6:36 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held September 26, 2022 (CR427/2022)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
September 26, 2022

Meeting called to order at: 3:00 p.m.

Members in Attendance:

Mayor D. Dilkens (arrives at 3:37 p.m.)
Councillor F. Francis
Councillor F. Costante
Councillor C. Holt
Councillor R. Bortolin
Councillor G. Kaschak
Councillor J. Gignac (Acting Mayor from 3:00 p.m. to 3:37 p.m.)
Councillor K. McKenzie
Councillor J. Morrison
Councillor E. Sleiman
Councillor J. Gill

Also in attendance:

O. Colucci, Acting Chief Administrative Officer
A. Daher, Commissioner, Human and Health Services
C. Nepsy, Commissioner, Infrastructure Services
J. Mancina, Commissioner, Corporate Services CFO/City Treasurer
S. Askin-Hager, Commissioner, Legal and Legislative Services
R. Mensour, Commissioner, Community Services
J. Payne, Commissioner Economic Development and Innovation
S. Vlachodimos, City Clerk
D. Paladino, Acting Executive Director, Human Resources (Items 1, 2, 3, 4)

Verbal Motion is presented by Councillor Francis, seconded by Councillor Costante, to move in Camera for discussion of the following item(s):

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<u>Item No.</u>	<u>Subject</u>	Section – Pursuant to Municipal Act, 2001, as amended
1.	Personal matter – about identifiable individuals	239(2)(b)
2.	Legal matter – litigation update/advice subject to solicitor client privilege	239(e)(f)
3.	Personal matter – labour negotiations	239(2)(d)
4.	Personal matter – labour negotiations/plan <u>Verbal report</u>	239(2)(a)(d)(k)

Motion Carried.

Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1, 2, 3 and 4)

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Gill, to move back into public session.

Motion Carried.

Moved by Councillor Kaschak, seconded by Councillor Bortolin, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 26, 2022 directly to Council for consideration at the next Regular Meeting.

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1. That the recommendation contained in the in-camera report from the Executive Director of Information Technology/Chief Information Officer, Commissioner, Economic Development and Innovation, Acting Executive Director of Human Resources and Commissioner, Corporate Services CFO/City Treasurer respecting a personal matter – about identifiable individuals **BE APPROVED**.
2. That the recommendation contained in the in-camera report from the Acting Executive Director of Human Resources, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services, Commissioner, Community Services, Commissioner, Human and Health Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a legal matter – litigation update/advice subject to solicitor client privilege **BE APPROVED AS AMENDED**.
3. That the in-camera report from the Acting Executive Director of Human Resources respecting a personal matter – labour negotiations **BE RECEIVED**.
4. That the confidential verbal report from the City Clerk respecting a personal matter – labour negotiations/plan **BE RECEIVED FOR INFORMATION**.

Motion Carried.

**Moved by Councillor Holt, seconded by Councillor Costante,
That the special meeting of council held September 26, 2022 BE ADJOURNED.
(Time: 3:53 p.m.)**

Motion Carried.